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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 400, 94TH CONGRESS)

WASHINGTON, D.C. 20510

[Handwritten signature/initials]

June 17, 1982

The Honorable John N. McMahon
 Deputy Director of Central Intelligence
 Central Intelligence Agency
 Washington, D.C. 20505

Dear John:

Let me join the Chairman in congratulating you on your appointment to the important position of Deputy Director of Central Intelligence.

At your swearing-in ceremony, I noticed a good many family members among the crowd. It occurred to me that they might like to have some souvenir copies of the Congressional Record dealing with your nomination. I have enclosed herewith 25 copies of the floor debate, and would be pleased to send more if you need them.

Once again, congratulations on your confirmation in this key position of the Intelligence Community.

Sincerely,

[Handwritten signature: RRS]

Robert R. Simmons
 Staff Director

RRS:rn

Enclosures



United States
of America

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No. 72

Senate

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering Calendar Order No. 773, under Central Intelligence, the nomination of John N. McMahon, of Maryland, to be Deputy Director.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

CENTRAL INTELLIGENCE

The legislative clerk read the nomination of John N. McMahon, of Maryland, to be Deputy Director.

Mr. GOLDWATER. Mr. President, I rise today to support the nomination of John N. McMahon, of Maryland, to be Deputy Director of Central Intelligence, replacing Admiral Inman who has resigned.

With 31 years of service at the Central Intelligence Agency, Mr. McMahon certainly has the background to do a good job. I believe that he is a topnotch professional who is highly regarded within the intelligence community. His confirmation should have a positive effect on morale within this community.

All of Mr. McMahon's working life has been spent at the CIA where he accumulated a distinguished record. During that time, he served in all phases of CIA operations including top jobs in electronic intelligence, technical services, administration, operations, and analysis. He has also served on the intelligence community staff as acting deputy.

John McMahon will have a tough job replacing Admiral Inman, whom I consider to be one of the best intelligence officers I have known. Nonetheless, I am pleased that someone with John's qualifications and experience has been named for this post.

Rule 5.6 of the rules of procedure for the Select Committee on Intelligence states that:

No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

John McMahon has filed both of these statements with the committee.

I ask unanimous consent that the unclassified sections of these statements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE SELECT COMMITTEE ON INTELLIGENCE QUESTIONNAIRE FOR COMPLETION BY PRESIDENTIAL NOMINEES

A. Biographical Information:

1. Name: McMahon, John Norman.
2. Former name(s) used, if any: N/A.
3. Date of birth: July 3, 1929.
4. Spouse's name: Hugger, Margaret Joan.
5. Former name(s) used by spouse, if any: N/A.

6. Name and year of birth of children: Patricia Joy, 1928; Christopher John, 1927; Timothy Richard, 1923; and Peter Collins, 1918.

7. Education: Holy Cross, 1947-51, B.A.; Georgetown Law, 1951; and Harvard Advanced Management Program 1968.

Employment record (list all positions since college, including military service):

Position or title: (See attachment.)

Name of employer: CIA.

Location and dates of employment: Abroad and Washington, D.C. 1951-present.

[Attachment]

Employment Record:

September 1951-June 1952, communications processing and distribution clerk.

June 1952-June 1953, communications tech (crypt) (overseas).

July 1952-August 1953, communications cable analyst (overseas).

August 1953-July 1954, chief, cable desk (overseas).

July 1954-November 1954, home leave and training at CIA's training site.

November 1954-February 1955, administrative officer (overseas).

February 1955-January 1957, Assistant to Chief of Station (overseas).

March 1957-September 1957, entered military service under Agency auspices.

September 1957-November 1957, Headquarters, European Division, counterintelligence.

November 1957-December 1958, Deputy Chief, Central Processing.

January 1959-May 1961, case officer for U-2 pilots and contract monitor of technical representatives.

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May 1961–November 1963, Executive Officer, Development Projects Division; was responsible for CIA reconnaissance activities, and support to all phases of air operations.

November 1962–January 1964, Chief, Program Analysis Staff/Development Projects Division.

January 1964–July 1964, DCI program analysis staff.

August 1964–September 1965, DDS&T systems analysis staff.

September 1965–September 1970, Deputy Director, Office of Special Projects.

September 1970–July 1971, Deputy Director, Office of ELINT.

July 1971–April 1973, Director, Office of ELINT.

April 1973–August 1974, Director, Office of Technical Service.

August 1974–May 1976, Associate Deputy Director for Administration.

May 1976–April 1977, Associate Deputy to the DCI for the Intelligence Community.

April 1977–January 1978, Acting Deputy to the DCI for the Intelligence Community.

January 1978–April 1981, Deputy Director for Operations.

April 1981–January 1982, Deputy to the DCI for National Foreign Assessment.

January 1982, Executive Director.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

Distinguished Intelligence Medal (2).

Intelligence Medal of Merit.

Certificate of Distinction.

National Intelligence Distinguished Service Medal.

Certificate of Recognition–William A. Jump Memorial Award.

References: Please provide the Committee with the names and current addresses and telephone numbers of five individuals whom you believe are in a position to comment upon your qualifications for the office to which you have been nominated. Please include the names of at least three (3) persons who have known you for more than five years.

Name, address, tel. No., No. of years reference has known you:

Vice President George Bush, White House, 456-7123, 7.

Deputy Secretary of Defense, Frank Carlucci, Pentagon, 695-6352, 6.

Adm. Daniel J. Murphy, White House, 456-6606, 7.

Adm. Stansfield Turner, 1320 Skipwith Road, McLean, Virginia 22101, 522-5258, 6.

Walter J. Stoessel, Jr., State Department, 632-9640, 6.

Qualifications: State fully your qualifications to serve in the position for which you have been nominated.

During my 31 years of government service, I have had the good fortune to work in all four Directorates of the Central Intelligence Agency as well as on staffs supporting the DCI in executing his Intelligence Community responsibilities. Within CIA, my responsibilities in the scientific and technical arena have included reconnaissance operations and research and development (1965–1974). As Associate Deputy Director for Administration (1974–1976), I helped manage our support capabilities, including communications, logistics, data processing, personnel, security and training. I have also served

as Deputy Director of Central Intelligence for Operations (1978–1981). In that capacity I was responsible for the collection of foreign intelligence from human sources, counterintelligence, and conducting special activities as directed by the National Security Council. As Deputy Director for National Foreign Assessment (April 1981–January 1982), I was the Director's principal advisor on the analytical process and the production of national intelligence, including Intelligence Community estimates and CIA production. Finally, as Executive Director since January of this year, I have been responsible for the day-to-day management of the Central Intelligence Agency.

Within the Intelligence Community, I served as Associate Deputy (1976) and then Acting Deputy (1977) to the DCI for the Intelligence Community. In those capacities I assisted the DCI in executing his Community responsibilities and served as his principal advisor on all matters relating to the National Foreign Intelligence Program budget and on Community-wide collection tasking. I would also like to note that during most of my career (since 1969), I have served in positions involving national programs requiring coordination, and in many cases joint efforts, with the military services.

I believe my long and varied career has provided me an in-depth appreciation of all facets of the intelligence process, both within the CIA and the Intelligence Community, and therefore qualifies me for the position for which I have been nominated.

Foreign affiliations:

Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business or political adviser or consultant), with or without compensation, a foreign government or any entity controlled by a foreign government? No.

If you or your spouse have ever been formally associated with a law, accounting, public relations or other service organization, have any of you or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or any entity controlled by a foreign government? No.

If the answer to either or both of the above questions is "yes", describe each relationship.

(Note.—The questions above are not limited to relationships requiring registration under the Foreign Agents Registration Act.)

During the past five years, have you or your spouse received any compensation from, or been involved in any financial or business transactions with a foreign government or an entity controlled by a foreign government? No.

If yes, please furnish details.

(Note.—Questions 1, 2, & 3 do not call for a response if the representation or transaction was authorized by the United States Government in connection with your employment in government service.)

Have you or your spouse ever registered under the Foreign Agents Registration Act? No.

(a) As far as it can be foreseen, state your plans after completing government service. Please state specifically any agreements or understandings, written or unwritten, concerning employment after leaving government service in particular concerning agreements, understandings or options to return to your current position.

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Undetermined—no agreements or understandings.

(b) Have you received any offer or expression of interest to employ your services in any capacity? If yes, please furnish details.
No.

(c) If you are presently in government service, during the past five years of such service have you received from a person outside of government an offer or expression of interest to employ your services after you leave government service?
No.

Do you have any commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If yes, please furnish details.
No.

List all securities, real property, partnership interests, or other investments or receivables with a current market value (or, if market value is not ascertainable, estimated current fair value) in excess of \$1,000. (NOTE: The information provided in response to Schedule A of the disclosure forms of the Office of Government Ethics may be incorporated by reference, provided that current valuations are used.)
Description of Property: Home.
Value: Estimated \$170,000.

List all loans mortgages, or other indebtedness (including any contingent liabilities) in excess of \$10,000. (NOTE: the information provided in response to Schedule D of the disclosure form of the Office of Government Ethics may be incorporated by reference, provided that contingent liabilities are also included.)
Nature of obligation: Mortgage.
Name of obligee; Richard and Margaret Hugger (in-laws).
Amount \$30,000.

List source and amounts of all income received during the last five years, including all salaries, fees dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding \$500. (If you prefer to do so, copies of U.S. income tax returns for these years may be substituted here, but their submission is not required.)
Salary: 1977, \$48,427; 1978, \$50,003; 1979, \$50,584; 1980, \$63,299; 1981, \$52,749.
Interest: 1977, \$284; 1978, \$325; 1979, \$377; 1980, \$498; 1981, \$658.

Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense? If yes, please furnish details.
No.

Have you ever been arrested or named as a defendant in an indictment or information for any criminal violation, other than a minor traffic offense? If yes, please furnish details.
No.

Other information:

1. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.
None.

2. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?
Yes.

3. Are you willing to provide such information as is requested by such committees?

Yes.

Mr. GOLDWATER. Mr. President, I have here a letter from the Office of Government Ethics on John N. McMahon. This letter states that:

He is in compliance with applicable laws and regulations governing conflict of interest.

I ask unanimous consent that it be printed in the RECORD as well.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF GOVERNMENT ETHICS,
OFFICE OF PERSONNEL MANAGEMENT,
Washington, D.C., May 14, 1982.

Hon. BARRY GOLDWATER,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by John N. McMahon, who has been nominated by President Reagan for the position of Deputy Director of Central Intelligence.

We have reviewed the report and have also obtained advice from the Central Intelligence Agency concerning any possible conflict in light of the Agency's functions and the nominee's proposed duties. Based thereon, we believe that Mr. McMahon is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

J. JACKSON WALTER,
Director.

Mr. GOLDWATER. Mr. President, I have a letter here from Congressman EDWARD P. BOLAND, chairman of the House Permanent Select Committee on Intelligence, which is the counterpart of our own committee in the House of Representatives. Chairman BOLAND writes:

In strong support of the nomination of John N. McMahon to be Deputy Director of Central Intelligence.

As well, I have a letter here from Congressman J. KENNETH ROBINSON, ranking minority member of the House Permanent Select Committee on Intelligence, expressing strong support for John McMahon's nomination.

I ask unanimous consent that both these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, D.C. May 25, 1982.

Hon. BARRY GOLDWATER,
Chairman, Senate Select Committee on Intelligence, Washington, D.C.

DEAR MR. CHAIRMAN: I write in strong support of the nomination of Mr. John N. McMahon to be Deputy Director of Central Intelligence.

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During the past nearly five years of this Committee's existence, it has held frequent meetings with Mr. McMahon. He has impressed me with his honesty, integrity and forthrightness. During those years, he has held several of the most senior, sensitive and responsible positions in the Central Intelligence Agency and he has carried out those assignments in an exemplary fashion.

As the Deputy Director for Operations, Mr. McMahon was responsible for some of the most sensitive operations our nation's intelligence services carry out. Under his guidance, the DDO enhanced its professionalism and reinvigorated its morale.

During his tenure as the Deputy Director for Intelligence, Mr. McMahon carried out a major and long overdue restructuring of CIA's analytic assets, bringing cross-discipline capabilities to bear on key issues in a more effective way.

In recognition of his managerial talents, Director Casey appointed John McMahon to the newly recreated position of Executive Director of the CIA. Now, with the retirement of Admiral Inman, Mr. McMahon has been chosen by the President to become the Deputy Director of Central Intelligence.

When Admiral Inman's name was before the Senate Select Committee on Intelligence for confirmation as Deputy Director, I wrote to you endorsing him for that position. In doing so, I stressed his attributes of integrity, deep honesty and well reasoned decisionmaking. The Intelligence Community, the CIA and the nation can be gratified that those very same attributes apply to Mr. McMahon.

John McMahon is an excellent manager, a widely experienced intelligence officer and a well respected senior government official. I am confident that he will do well in his new assignment.

I am certain that all the Members of the Permanent Select Committee on Intelligence join with me in giving an unqualified endorsement to this fine American for the post to which he has been nominated.

With every good wish, I am
Sincerely yours,

EDWARD P. BOLAND,
Chairman.

HOUSE OF REPRESENTATIVES, PERMA-
NENT SELECT COMMITTEE ON IN-
TELLIGENCE,

Washington, D.C., May 26, 1982.

HON. BARRY GOLDWATER,
*Chairman, Senate Select Committee on In-
telligence, Washington, D.C.*

DEAR SENATOR GOLDWATER: As the ranking minority member of the House Permanent Select Committee on Intelligence I want to join my Chairman, Congressman Edward Boland in endorsing the nomination of John N. McMahon for the position of Deputy Director of Central Intelligence.

During the past five years I have known and worked with Mr. McMahon I have found him to be extraordinarily responsive, forthright and trustworthy in helping this Committee meet its oversight responsibilities of the Intelligence Community.

John McMahon has set a standard of professionalism and leadership unequalled in the intelligence field. He has distinguished himself as head of the Intelligence Commu-

nity Staff; as Deputy Director of Operations and Deputy Director of Intelligence as well as Executive Director of the CIA. No other officer of the agency has held so many diverse and key positions and done so in such an outstanding manner.

Mr. Chairman, I can assure you that his service in the position to which he has now been nominated by the President will be of the greatest value to the Congress and to this nation. Mr. McMahon has my full support and I urge speedy confirmation.

Respectfully,

J. KENNETH ROBINSON.

Mr. GOLDWATER. Mr. President, when John McMahon appeared before our committee in public session on May 27, 1982, he stated his firm conviction that "Congressional oversight is beneficial, both for the American people and for the Intelligence Community."

He also stated that.

The activities of the Intelligence Community involving Americans are, and most continue to be, limited, subject to strict standards of accountability, and far removed from any abridgment of cherished Constitutional rights.

I concur with these judgments, and would like to share Mr. McMahon's full statement with my colleagues.

I ask unanimous consent that his statement before our committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOHN N. McMAHON

Mr. Chairman, members of the Select Committee on Intelligence, I am honored to appear before you today to discuss my nomination to be Deputy Director of Central Intelligence. I appreciate the President's expression of confidence in me, and I approach this new challenge with enthusiasm and determination.

I have, as you know, served our Nation as an intelligence officer for over 30 years. I feel fortunate to have had a varied, rewarding, and constantly challenging career, permitting me to serve in all phases of intelligence—from operations to analysis, and from research and development of technical collection systems to administration. Let me briefly review it for the committee.

I began my career with the agency as a clerk in 1951. After serving overseas for 5 years, I returned for basic training in the army, and I then joined the U-2 program. In 1965, I became Deputy Director for the Agency's Office of Special Projects, which was concerned with applying the latest in advanced technology to major intelligence collection problems. Later, I served as Director of the Office of Electronic Intelligence and then as Director of the Office of Technical Service, responsible for technical support to overseas operations. In 1974, I became Associate Deputy Director of CIA for Administration. I then served as Associate Deputy and Acting Deputy to the DCI for the intelligence community, until being appointed Deputy Director of CIA for Operations in January of 1978. In this capacity I directed agency operations overseas. In

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April 1981 I became Deputy Director for National Foreign Assessment, responsible for directing analysis and production of intelligence. I served in that capacity until January of this year, when I was appointed as the Agency's Executive Director, responsible for the day-to-day management of CIA.

My assignments, many of which involved joint programs with the military, have given me both a detailed knowledge of the Central Intelligence Agency and a substantial appreciation of military requirements and intelligence needs. My 2 years with the intelligence community staff provided me with an in-depth understanding of all national programs, military and civilian, the priority of intelligence requirements associated with those programs, and the best means of satisfying intelligence needs for policymakers, as well as our military commanders in the field.

When I joined the Agency in 1951, Mr. Chairman, we lived in an essentially bipolar world. In those days our adversary was obvious, our mission was clear, and our efforts were focused accordingly. The United States worked to build the democratic institutions and economic capabilities of its friends, while the Soviet Union strove to subvert our efforts. The risk of atomic catastrophe was just then beginning to become a factor in the struggle between freedom and totalitarianism. We focused intelligence resources on the Soviet Union and its allies, and we analyzed world events mainly in terms of their effect on the East-West balance of power.

As we move through the 1980's and beyond, it is clear that the intelligence mission must be geared to threats which are increasingly varied, subtle, and complex. We can never take for granted our ability to accurately assess the military capabilities and intentions of our key adversaries, and the Soviet Union must remain our first intelligence priority. At the same time, we should also insure that we appreciate fully the broad range of political, economic, social, and religious forces whose interaction will shape world events and influence the destiny of our own country. Finally, we should never set aside the importance of more traditional causes of international conflict, such as irredentism and national pride.

The ability of the intelligence community to provide national policymakers with the timely, accurate, and insightful information they need to advance American interests in the world requires that we constantly strive to improve our capabilities to collect the right kind of information, to analyze it effectively, and to present it in a relevant and useful manner. We are encouraged that the mutual determination of the President and the Congress to restore the vitality of our Nation's intelligence community is helping us translate these goals into reality. As we do so, however, I would like to emphasize for the record that the activities of the intelligence community involving Americans are, and must continue to be, limited, subject to strict standards of accountability, and far removed from any abridgment of cherished constitutional rights.

I am firmly convinced that congressional oversight is beneficial, both for the American people and for the intelligence community. The oversight system serves two key purposes. First, it assures the American people that activities which are of necessity

undertaken in secret are being monitored by their elected representatives. Second, it assures the intelligence officers who undertake those activities that the Congress and the American people stand behind and support them in their difficult and often dangerous assignments.

The oversight arrangements which have developed and matured over the past several years have also served to enhance congressional understanding of the intelligence mission and of the need for the long-range commitment of resources to meet the challenges which lie ahead. The cumulative impact of the annual authorization of appropriations for intelligence activities by this committee and its counterpart in the House of Representatives, the review conducted in great detail by the appropriations committees, and the statutory obligation to keep the two intelligence committees "fully and currently informed" has made the Congress an active partner in our Nation's intelligence activities. This is as it should be, and I pledge to you that if confirmed I will make every effort to foster and improve this vital relationship.

Mr. Chairman, that concludes my prepared remarks—I would be pleased to answer any questions which you and the members of the committee may have.

Mr. GOLDWATER. Mr. President, in my judgment, the Senate Intelligence Committee has been very thorough in its consideration of John McMahon's nomination to this important position in the U.S. intelligence community.

For example, we have devoted a full 30 days to consideration of his nomination before scheduling hearings. We held a closed as well as a public hearing so that all aspects of his background could be examined in detail. Four senior staff members read his complete personnel file and security file at the CIA. This is an unprecedented precaution and has not been done before. We sent Mr. McMahon both a comprehensive committee questionnaire and followup questions from the staff. These were responded to in writing before our hearings were held, and we inquired of other committees and other agencies of Government about Mr. McMahon before holding our hearings. Finally, in spite of Mr. McMahon's long service with the CIA, we asked that an updated background investigation on him be prepared by the FBI. Yesterday afternoon the vice chairman of the Senate Intelligence Committee, Senator MOYNIHAN, and I personally reviewed the FBI report.

We have been very thorough, and yet we have not been able to uncover any factual information which would reflect adversely on Mr. McMahon. As a result, the committee voted unanimously that his nomination be sent to the floor with a recommendation that it be approved. I have no doubts that we can expect a good relationship with John McMahon in the future as

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Deputy Director of Central Intelligence, to the benefit of our people and of the country.

I urge my colleagues to support this nomination.

Mr. MOYNIHAN. Mr. President, the choice of John N. McMahon to be Deputy Director of Central Intelligence is a good one. During his 30 years with the Central Intelligence Agency he has compiled a distinguished record of service to his country. He has received five significant awards and has served in leadership positions in all four directorates of the CIA, as well as in the intelligence community staff. He is, in short, as highly qualified a candidate for the position of Deputy Director as we are ever likely to see.

The confirmation process is important not only because it gives the Senate a chance to make an independent evaluation of the qualifications of the nominee, but also because it offers a major opportunity for the exercise of the congressional oversight function. It enables us to take stock of where we have been and where we are headed. During my 5½ years on the Senate Select Committee on Intelligence we have concentrated on two major tasks. First, we have established mechanisms for congressional oversight. Second, we have tried to provide the resources necessary for the rebuilding of our intelligence capabilities.

At both the closed and open hearings on his nomination, Mr. McMahon was asked to address himself to these two concerns.

Concerning the committee's role in rebuilding the intelligence capabilities of the country, Mr. McMahon noted that "the downward trend has been reversed" and that this has occurred "principally on the initiative of the Congress." Too often, Mr. President, the oversight function of the Congress is seen in merely a negative light, as only an exercise in checking the possible abuses of power. But this view is a severely limited one. In fact, the oversight function can and does serve to provide the needed guidance and impetus for the proper use of power as well. It was therefore gratifying to hear Mr. McMahon's comments.

However, the oversight relationship also demands that the Director and Deputy Director of Central Intelligence be willing to provide this committee with the information it needs in a timely and candid manner. During the hearings, I asked Mr. McMahon whether he would feel it his duty under law and his obligation as a professional intelligence officer to inform the committee when he knew that it had been given wrong information or

when it had been misled, regardless of whether this was done by persons below or above him in the intelligence community. Mr. McMahon's answer was that he pledged "to keep the committee fully and currently informed" and to make sure that the committee "received the information it deserves to have and needs." We ask for nothing more.

Mr. President, John McMahon is an old friend to the select committee, of which I am now vice chairman. He has appeared before us on numerous occasions during the 6 years the committee has been in existence. I have every confidence that our relationship in the future will be as open, beneficial, and professional as it has been in the past.

Mr. HUDDLESTON. Mr. President, I am pleased to join in urging my colleagues to support the nomination of John McMahon as Deputy Director of Central Intelligence. He brings to that position a wealth of experience in all aspects of the intelligence enterprise, and I expect that we will provide solid leadership for the intelligence community.

At the Intelligence Committee's hearing on his nomination last month, I asked Mr. McMahon several questions which I believe are crucial for the Senate's assessment of his views on key intelligence policy issues. First of all, it was important to find out Mr. McMahon's position regarding the danger of politicization of intelligence. The use of intelligence to serve partisan, political interests has, I believe, increased in the past several years. It poses a serious threat to the integrity of the Central Intelligence Agency and other agencies in the intelligence community.

Problems in this regard are not unique to any one administration or party. They often involve the use of sensitive information to defend particular policies, without regard to the damaging impact of the disclosures on our national security or the effectiveness of our intelligence agencies.

Therefore, I asked Mr. McMahon in the confirmation hearing what he would do if he learned that intelligence officials were being forced to distort their reports to support an administration's policy decisions. Mr. McMahon replied that he would resign if he were unable to resist such pressures.

The second matter that I raised with Mr. McMahon was the role of the CIA within the United States under President Reagan's recent Executive order on U.S. intelligence activities. Executive Order 12333, issued in December 1981, expanded the authority of the CIA to collect information by clandestine

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tine means within the United States about U.S. citizens and domestic groups without their consent. This expansion of CIA's authority to operate domestically has troubled many of us on the Intelligence Committee.

In his prepared statement at the confirmation hearing, Mr. McMahon said:

The activities of the Intelligence Community involving Americans are, and must continue to be, limited, subject to strict standards of accountability, and far removed from any abridgment of cherished constitutional rights.

The question, however, is what the specific limits will be in practice. For that reason, I asked Mr. McMahon whether the CIA would use intrusive investigative techniques within the United States against American citizens. Mr. McMahon replied that the CIA would not be involved in using such techniques against Americans in this country and that only the FBI would have such authority.

I believe it is also important for the Senate to know that at a closed session of the Intelligence Committee prior to the open confirmation hearing Mr. McMahon assured the committee that the wider authority for CIA collection of information within the United States under the Executive order would be exercised only in rare, exceptional cases.

The precise limits and safeguards, such as the determination of intrusiveness of techniques like infiltration of domestic groups, will be contained in implementing procedures to be approved by the Attorney General. I was pleased with Mr. McMahon's assurances to the committee that it would have an opportunity to review the new procedures prior to their implementation.

Finally, I believe this nomination comes at a time of increasing uneasiness about where the intelligence community is going. If there is one thing this committee has tried to do, it is to keep intelligence free from partisan or ideological bias.

We must be a watchdog to make sure that intelligence operations serve the national interest. We must be alert to the danger that an administration may seek to distort intelligence reports or slant intelligence analysis.

Equally important is our mandate to protect constitutional rights and other basic principles of our free society. We need to monitor the safeguards that keep U.S. intelligence activities from violating the rights of our own citizens. And we should also try to strike a proper balance between secrecy and the public's right to know.

On many of these counts I believe we must increase the vigilance of our oversight efforts. No single event leads me to this conclusion. Rather, it is a series of issues which, taken together, make the prospects more disturbing.

The nomination of John McMahon as Deputy Director of Central Intelligence gives us an opportunity to work with an experienced and dedicated intelligence officer in our wider efforts to maintain congressional oversight. I strongly urge my colleagues to support his nomination so that we can work with him to keep the intelligence business free from partisan politics.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection it is so ordered.